

# **Environment Agency permitting decisions**

## **Bespoke permit**

We have decided to grant the permit for Land at Stoke Climsland operated by Mr Jamie Robert Hatch, Mr Raymond Russell Hatch and Mr Alfred Robert Hatch (trading as Kelly Bray Products Partnership).

The permit number is EPR/DP3838WW

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

## **Description of the main features of the Installation**

The installation is situated approximately 400 metres north east of the village of Stoke Climsland, Cornwall and comprises of 3 broiler houses with a maximum capacity of 170,000 broilers.

A single 995 kilowatt (kWth) biomass boiler, burning virgin timber wood pellets, will be installed to supply heat with LPG provided as back up. A generator will be used in the event of loss of power.

The poultry houses will use a high velocity roof ventilation system and gable end fans for hot weather conditions.

Feed will be brought to site by an external supplier and carcasses will be removed from site for disposal. Used litter and dirty wash water will be spread upon land owned by third parties.

## **Purpose of this document**

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

## **Structure of this document**

- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

## Key issues of the decision

### Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February 2013 and came into force on 27 February 2013. These Regulations transpose the requirements of the IED.

This permit implements the requirements of the European Union Directive on Industrial Emissions.

### Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain a condition relating to protection of soil, groundwater and groundwater monitoring. However, the Environment Agency's H5 Guidance states **that it is only necessary for the operator to take samples** of soil or groundwater and measure levels of contamination where there is evidence that there is, or could be existing contamination and:

- The environmental risk assessment has identified that the same contaminants are a particular hazard; or
- The environmental risk assessment has identified that the same contaminants are a hazard and the risk assessment has identified a possible pathway to land or groundwater.

H5 Guidance further states that it is **not essential for the Operator** to take samples of soil or groundwater and measure levels of contamination where:

- The environmental risk assessment identifies no hazards to land or groundwater; or
- Where the environmental risk assessment identifies only limited hazards to land and groundwater and there is no reason to believe that there could be historic contamination by those substances that present the hazard; or
- Where the environmental risk assessment identifies hazards to land and groundwater but there is evidence that there is no historic contamination by those substances that pose the hazard.

The site condition report (SCR) for Land at Stoke Climsland (dated August 2015, received 21/10/15) demonstrates that there are no hazards or likely pathways to land or groundwater and no historic contamination on site that may present a hazard from the same contaminants. **Therefore, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the**

**site at this stage and, although condition 3.1.3 is included in the permit, no soil or groundwater monitoring will be required.**

## **Biomass boiler**

The applicant is varying their permit to include a biomass boiler with a net rated thermal input of 995 kWth.

The Environment Agency has assessed the pollution risks and has concluded that air emissions from small biomass boilers are not likely to pose a significant risk to the environment or human health providing certain conditions are met. Therefore a quantitative assessment of air emissions will not be required for poultry sites where:

- the fuel will be derived from virgin timber, miscanthus or straw, and;
- the biomass boiler appliance and installation meets the technical criteria to be eligible for the Renewable Heat Incentive, and;
- the aggregate boiler net rated thermal input is:
  - A. less than 0.5MWth, or;
  - B. less than 1MWth where the stack height is greater than 1 metre above the roof level of adjacent buildings (where there are no adjacent buildings, the stack height must be a minimum of 3 metres above ground), and there are:
    - no Special Areas of Conservation, Special Protection Areas, Ramsar sites or Sites of Special Scientific Interest within 500 metres of the emission point(s);
    - no National Nature Reserves, Local Nature Reserves, ancient woodlands or local wildlife sites within 100 metres of the emission point(s), or;
  - C. less than 2MWth where, in addition to the above criteria for less than 1MWth boilers, there are:
    - i. no sensitive receptors within 150 metres of the emission point(s).

This is in line with the Environment Agency's document "Air Quality and Modelling Unit C1127a Biomass firing boilers for intensive poultry rearing", an assessment has been undertaken to consider the proposed addition of the biomass boiler.

The Environment Agency's risk assessment has shown that the biomass boiler(s) meet the requirements of criteria B above, and are therefore considered not likely to pose a significant risk to the environment or human health and no further assessment is required.

## Ammonia emissions

There are 2 Special Areas of Conservation (SAC), and one Special Protection Area (SPA) sites located within 10 kilometres of the installation. There is one Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 5 Local Wildlife Sites (LWS) within 2 km of the installation.

### Ammonia assessment – SAC/SPA/Ramsar sites

The following trigger thresholds have been designated for the assessment of European sites:

- If the process contribution (PC) is below 4% of the relevant critical level (CL<sub>e</sub>) or critical load (CL<sub>o</sub>) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required.
- An in combination assessment will be completed to establish the combined PC for all existing farms identified within 10 km of the application.

Initial screening using Ammonia Screening Tool v4.4 has indicated that emissions from Land at Stoke Climsland will only have a potential impact on the SAC/SPA sites with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 3,093 metres of the emission source.

Initial screening indicates that beyond 3,093 metres the PC is less than 0.04µg/m<sup>3</sup> (i.e. less than 4% of the precautionary 1µg/m<sup>3</sup> critical level) and therefore beyond this distance the PC is insignificant. The SAC/SPA sites are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m<sup>3</sup> is used, and the process contribution is assessed to be less than 4% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m<sup>3</sup> level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely significant effect.

**Table 1 – SAC/SPA Assessment**

<b>Name of SAC/SPA</b>	<b>Distance from site (m)</b>
Pheonix United Mine & Crow's Nest SAC	9,957
Plymouth Sound & Estuaries SAC	7,975
Tamar Estuaries Complex SPA	10,027

## **Ammonia assessment – SSSIs**

The following trigger thresholds have been applied for assessment of SSSIs. If the process contribution (PC) is below 20% of the relevant critical level (CL<sub>e</sub>) or critical load (CL<sub>o</sub>) then the farm can be permitted with no further assessment. Where this threshold is exceeded an in combination assessment and/or detailed modelling may be required.

Initial screening using Ammonia Screening Tool v4.4 has indicated that emissions from Land at Stoke Climsland will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 1,082 metres of the emission source.

Initial screening indicates that beyond 1,082 metres the PC is less than 0.2µg/m<sup>3</sup> (i.e. less than 20% of the precautionary 1µg/m<sup>3</sup> critical level) and therefore beyond this distance the PC is insignificant. Greenscombe Wood, Luckett SSSI is beyond this distance (see table below) and therefore screens out of any further assessment.

Where the precautionary level of 1µg/m<sup>3</sup> is used, and the process contribution is assessed to be less than 20% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m<sup>3</sup> level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to these sites.

**Table 2 – SSSI Assessment**

<b>Name of SSSI</b>	<b>Distance from site (m)</b>
Greenscombe Wood, Luckett SSSI	2,918

## **Ammonia assessment – LWS**

There are 5 Local Wildlife Sites (LWS) within 2 km of Land at Stoke Climsland. The following trigger thresholds have been applied for the assessment of these sites.

1. If PC is <100% of relevant critical level or load, then the farm can be permitted (H1 or ammonia screening tool)
2. If further modelling shows PC <100%, then the farm can be permitted.

For the following sites this farm has been screened out at stage 1, as set out above, using results of the ammonia screening tool (version 4.4).

Screening using ammonia screening tool (version 4.4) has indicated that emissions from Land at Stoke Climsland will only have a potential impact on sites with a critical level of 1 µg/m<sup>3</sup> if they are within 378 metres of the emission source. Screening indicates that beyond this distance, the PC at

conservation sites is less than  $1 \mu\text{g}/\text{m}^3$ .  $1 \mu\text{g}/\text{m}^3$  is 100% of the  $1 \mu\text{g}/\text{m}^3$  CLe and therefore beyond this distance the PC is insignificant. In this case all LWS are beyond this distance.

**Table 3 – distance from source**

Site	Distance (m)
Watergate Wood to Woodabridge LWS	1,744
Bradford Wood LWS	1,695
Deer Park Wood LWS	1,008
Clitters Wood AW	1,987
Great/Watergate Woods AW	1,879

The PCs at these sites have been screened as insignificant. It is possible to conclude no significant pollution will occur at these sites and no further assessment is required.

## Odour

There are sensitive receptors within 400 metres of the installation and therefore an odour management plan has been prepared, as required in chapter 3, section 3.3 of guidance SGN How to comply – Intensive Farming - The EPR Sector Guidance Note 6.09 for intensive pig and poultry farmers, Version 2, published January 2010 (SGN EPR 6.09). The residential properties are as follows:

1. Three houses to the west; Crossways Bungalow, and Hazeldene approximately 335 metres, and 395 metres respectively from the installation boundary.
2. House located approximately 387 metres to the south west of the installation boundary.

An Odour Management Plan (OMP) has been submitted as part of the application supporting documentation (reference Appendix 9 Odour Management Plan dated August 2015).

This plan is considered acceptable having been assessed against the requirements of IPPC SRG 6.02 (Farming): Odour Management at Intensive Livestock Installations plus our Top Tips Guidance and Poultry Industry Good Practice Checklist and with regard to the site specific circumstances at the installation. The operator is required to manage activities at the installation in accordance with condition 3.3.1 and this odour management plan. The odour management plan includes odour control measures, in particular, procedural controls such feed selection, feed delivery, storage and containment, ventilation design, poultry litter management, carcass storage and disposal, poultry house clean out operations, changes in production schedule, odorous cleaning products, spilled materials, and a complaints procedure. The odour management plan is required to be reviewed at least every 4 years and/or after a complaint is received, whichever is the sooner.

We are satisfied that operations carried out on the farm will minimise the risk of odour pollution from the installation.

There is the potential for odour pollution from the installation. The operator's compliance with their Odour Management Plan, submitted with this application, will minimise the risk of odour pollution beyond the installation boundary and the risk of odour pollution at sensitive receptors beyond the installation boundary is not considered significant.

## **Noise**

There are sensitive receptors within 400 metres of the installation boundary as stated above in the odour section 6. The applicant has provided a noise management plan (NMP) as part of the application supporting documentation, reference Appendix 11 BGL EPR Doc 10.

Operations with the most potential to cause noise nuisance have been assessed as those involving delivery vehicles travelling to and from the farm, vehicles on site, feed transfer to poultry houses, testing of the generator, operation of ventilation fans, noise from bird removal and loading on to vehicles, clean out operations, removal of fallen stock bins from site, staff and contractors. The noise management plan covers control measures for each of these potential noise hazards.

As for odour, the residences occupied by the farm manager and people associated with the farm are not considered as sensitive receptors as it is unlikely that noise will be perceived as a nuisance.

There is the potential for noise from the installation beyond the installation boundary. However the risk of noise beyond the installation boundary is considered unlikely to cause a nuisance.

## Annex 1: decision checklist

This document should be read in conjunction with the application, supporting information and permit/notice.

Aspect considered	Justification / Detail	Criteria met
<b>Receipt of submission</b>		
Confidential information	A claim for commercial or industrial confidentiality has not been made.	✓
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.	✓
<b>Consultation</b>		
Scope of consultation	<p>The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.</p> <p>For this application we consulted the following bodies:</p> <ul style="list-style-type: none"> <li>• Health and Safety Executive</li> <li>• Local Authority Environment Health Department</li> </ul>	✓
Responses to consultation and web publicising	<p>The web publicising and consultation responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</p>	✓
<b>Operator</b>		
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	✓
<b>European Directives</b>		
Applicable directives	<p>All applicable European directives have been considered in the determination of the application.</p> <p>The permit implements the requirements of the EU Directive on Industrial Emissions.</p>	✓



Aspect considered	Justification / Detail	Criteria met
		Yes
	<b>See key issues 'Industrial Emissions Directive' section above for further information.</b>	
<b>The site</b>		
Extent of the site of the facility	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p>	✓
Site condition report	<p>The operator has provided a description of the condition of the site.</p> <p>We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED–guidance and templates (H5).</p>	✓
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat .</p> <p><b>Ammonia:</b> A full assessment of the application and its potential to affect the sites has been carried out as part of the permitting process. We consider that the application will not affect the features of the site.</p> <p>Please refer to Key Issues section Ammonia Assessment above for further information.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p> <p>An Appendix 11 has been sent to Natural England for information only (dated 07/10/15) and saved on the Environment Agency's Electronic Document and Records Management system (EDRM).</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p><b>Biomass boiler:</b></p> <p>In accordance with the Environment Agency's Air Quality Technical Advisory Guidance 14: "for combustion plants under 5MW, no habitats assessment is required due to the size of combustion plant". Therefore this proposal is considered acceptable and no further assessment is required.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>	
<b>Environmental Risk Assessment and operating techniques</b>		
EIA	In determining the application we have considered the Environmental Statement.	✓
Environmental risk	<p>We have carried out a risk assessment on behalf of the operator.</p> <p>See Key Issues section Biomass Boiler above for further explanation.</p>	✓
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p> <p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> <li>• dirty water storage facilities are in place on site;</li> <li>• nipple drinkers are used to reduce wastage of water and maintain dry litter;</li> <li>• Chemical storage is within a locked facility;</li> <li>• all fuels are stored in bunded fuel stores;</li> </ul>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<ul style="list-style-type: none"> <li>• emergency generator on site in case of power failure;</li> <li>• carcasses stored in sealed bins before being sent for rendering by an approved contractor;</li> <li>• the fuel is derived from virgin timber; and</li> <li>• the biomass boiler appliance and it's installation meets the technical criteria to be eligible for the Renewable Heat Incentive.</li> <li>• the stacks are 1m or more higher than the apex of the adjacent buildings.</li> </ul> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</p>	
<b>The permit conditions</b>		
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template, which was developed in consultation with industry having regard to the relevant legislation.	✓
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>We have specified that only virgin timber (including wood chips and pellets), straw, miscanthus or a combination of these. These materials are never to be mixed with or replaced by, waste.</p>	✓
Incorporating the application	<p>We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
<b>Operator Competence</b>		
Environment management system	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.  No relevant convictions were found. The operator satisfies the criteria in RGN 5 on Operator Competence.	✓
Financial provision	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓

## **Annex 2: Consultation and web publicising responses**

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

### **1) Responses not received**

Cornwall Council Environment Health and the Health and Safety Executive (HSE) were consulted; however, consultation responses were not received.

### **2) Web publicising**

This proposal was also publicised on the Environment Agency's website between 28 October 2015 and 25 November 2015, but no representations were received.